

AMENDED IN SENATE MAY 16, 2016  
AMENDED IN ASSEMBLY MARCH 10, 2016  
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 2001**

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**Introduced by Assembly Member Mathis**

February 16, 2016

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An act to amend Section 5515 ~~of~~ *of, and to add Section 2089.7 to,* the Fish and Game Code, relating to fish.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2001, as amended, Mathis. Fish: fully protected species: ~~taking or possession.~~ *California State Safe Harbor Agreement Program Act.*

Existing law prohibits the taking or possession of a fully protected fish, except as provided. Under existing law, the Department of Fish and Wildlife is authorized to permit the taking of a fully protected fish for necessary scientific research, including efforts to recover fully protected, threatened, or endangered species. ~~For these purposes, scientific research does not include an action taken as part of specified mitigation for a project, as defined.~~

*Existing law, the California State Safe Harbor Agreement Program Act, establishes a program to encourage landowners to manage their lands voluntarily, by means of state safe harbor agreements approved by the Department of Fish and Wildlife, to benefit endangered, threatened, or candidate species without being subject to additional regulatory restrictions as a result of their conservation efforts. The act authorizes the department to authorize specified acts that are otherwise prohibited pursuant to the California Endangered Species Act by*

*entering into a safe harbor agreement. Under existing law, the act remains in effect until January 1, 2020.*

~~This bill would instead authorize the department to permit the taking of those species for necessary scientific research or for efforts to recover fully protected, threatened, or endangered species, not including an action taken as part of specified mitigation for a project.~~ *fully protected fish in the Owens River and Mojave River watersheds if the take is authorized under a safe harbor agreement.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 2089.7 is added to the Fish and Game*  
2     *Code, to read:*

3     2089.7. *The department may authorize the taking of fully*  
4     *protected fish in the Owens River and Mojave River watersheds*  
5     *if the take is authorized under an agreement pursuant to this*  
6     *article.*

7     ~~SECTION 1.~~

8     *SEC. 2. Section 5515 of the Fish and Game Code is amended*  
9     *to read:*

10     5515. (a) (1) Except as provided in this section, ~~or Section~~  
11     ~~2081.6, Section 2081.7, 2089.7, or Section 2835,~~ a fully protected  
12     fish may not be taken or possessed at any time. No provision of  
13     this code or any other law shall be construed to authorize the  
14     issuance of a permit or license to take a fully protected fish, and  
15     no permit or license previously issued shall have force or effect  
16     for that purpose. However, the department may authorize the taking  
17     of a fully protected fish for necessary scientific ~~research or for~~  
18     *research, including* efforts to recover fully protected, threatened,  
19     or endangered species. Before authorizing the take of a fully  
20     protected fish, the department shall make an effort to notify all  
21     affected and interested parties to solicit information and comments  
22     on the proposed authorization. The notification shall be published  
23     in the California Regulatory Notice Register and be made available  
24     to each person who has notified the department, in writing, of his  
25     or her interest in fully protected species and who has provided an  
26     email address, if available, or postal address to the department.  
27     Affected and interested parties shall have 30 days after notification

1 is published in the California Regulatory Notice Register to provide  
2 relevant information and comments on the proposed authorization.

3 (2) As used in this subdivision, “scientific research” ~~and “efforts~~  
4 ~~to recover” do~~ *does* not include an action taken as part of specified  
5 mitigation for a project, as defined in Section 21065 of the Public  
6 Resources Code.

7 (3) A legally imported fully protected fish may be possessed  
8 under a permit issued by the department.

9 (b) The following are fully protected fish:

10 (1) Colorado River squawfish (*Ptychocheilus lucius*).

11 (2) Thicktail chub (*Gila crassicauda*).

12 (3) Mohave chub (*Gila mohavensis*).

13 (4) Lost River sucker (*Catostomus luxatus*).

14 (5) Modoc sucker (*Catostomus microps*).

15 (6) Shortnose sucker (*Chasmistes brevirostris*).

16 (7) Humpback sucker (*Xyrauchen texanus*).

17 (8) Owens River pupfish (*Cyprinodon radiosus*).

18 (9) Unarmored threespine stickleback (*Gasterosteus aculeatus*  
19 *williamsoni*).

20 (10) Rough sculpin (*Cottus asperimus*).